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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/357,764

Applicant(s)

NATHAN, GUY

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed July 21, 1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicant is required to provide a copy of the documents as indicated by a cross line in the IDS for consideration as to the merits.

### ***Specification***

1. The disclosure is objected to because of the following informalities: The phrase "the remote control unit" (page 9, lines 26-27) is repeated.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show label the blocks as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan et al. (US 6,308,204) in view of Schindler et al. (US 6,396,480).

Regarding claim 1, Nathan et al. discloses a remote control unit for intelligent digital audiovisual reproduction systems, comprising storage means 21, payment means 35, a sound control circuit 5, display means 61 and a metal chassis (see figure 1 and col. 6, lines 3-5). Nathan et al. further discloses infrared remote control 31 that associated with a infrared receiver connected to the sound control circuit of the

audiovisual reproduction system (see figure 1 and col. 5, lines 55-64). However, Nathan et al. fails to disclose the remote control unit comprises a remote radio frequency transmitter that is associated with the radio frequency receiver connected to the sound control circuit of the audiovisual reproduction system.

Schindler et al. discloses RF signals have the advantage over infrared "IR" signals in that they are not interrupted by someone walking between the remote and the receiver (see col. 5, lines 7-12). Schindler et al. further discloses the remote control unit 124 or 126 comprises a remote radio frequency transmitter that is associated with a radio frequency receiver 324 of the system device 118 (see col. 9, lines 7- 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nathan et al. with a radio frequency transmitter in the remote control unit as taught by Schindler et al. in order to prevent interrupting of the signals by someone walking between the remote and the receiver.

Regarding claim 4, Nathan et al. discloses one function of the remote control is to disactivate or activate the audiovisual reproduction system and the payment means (see col. 7, lines 21-56).

5. Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Schindler et al. (US 6,396,480).

Regarding claim 1, Martin et al. discloses a jukebox comprising storage means 91, a payment means 129, a sound control circuit 127, display means 125, keyboard 123 (see figure 1). However, Martin et al. fails to disclose a metal chassis and remote control unit comprises a remote radio frequency transmitter that is associated with a radio frequency receiver connected to the sound control circuit of the jukebox 13. It is obvious to one of ordinary skill in the art to use a metal chassis to secure the jukebox.

Schindler et al. discloses RF signals have the advantage over infrared "IR" signals in that they are not interrupted by someone walking between the remote and the receiver (see col. 5, lines 7-12). Schindler et al. further discloses the remote control unit 124 or 126 comprises a remote radio frequency transmitter that is associated with a radio frequency receiver 324 of the system device 118 (see col. 9, lines 7- 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin et al. with a radio frequency transmitter in the remote control unit as taught by Schindler et al. in order to prevent interrupting of the signals by someone walking between the remote and the receiver.

Regarding claim 2, Schindler et al. discloses the remote control 124 or 126 has a code that is stored by a "learning procedure" by the system device 118 (see col. 15, lines 1-5 and col. 26-45).

Regarding claim 3, Martin discloses the jukebox receives a remote control code from a center server 11 connected to the jukebox 13 (see figures 1 and 2).

Regarding claim 4, Schindler et al. discloses one function of the remote control unit is to deactivate or activate the system 118 (see col. 9, lines 51-60). Inherently, the payment means can be activated or deactivated by the remote control 124 or 126.

Regarding claim 5, Schindler et al. in view of Martin et al. discloses a control unit as discussed in the rejection of claim 1. However, neither Schindler et al. nor Martin et al. explicitly discloses deactivating the payment means triggers an operator-programmed message to be displayed on display means of the audiovisual reproduction system. Official Notice is taken that deactivating the payment trigger a message to be displayed on the display means to indicate the status of the system is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler et al. and Martin et al. with a well-known technique of triggering a message when deactivating the payment means in order to indicate the status of the payment to user.

Regarding claim 6, Martin et al. discloses one function of the remote control unit enables the audiovisual production system to be credited with a credit equivalent to the selection of at least one song (see figure 5).

Regarding claim 7, Schindler et al. discloses "learning procedure" of a remote control comprises the steps of:

a step of using the remote control unit close to the audiovisual reproduction system;

a step of storing the remote control identification code on the storage means of the reproduction system (see figure 1 and col. 14, line 56- col. 15, line 46). Schindler et al. further discloses the remote control perform various functions by pressing the keys on the remote control such as mute button 922, channel recall button 924, FAV button 926, TV button 928, volume control button 918 (see col. 13, line 45-col. 14, line 23). It is obvious to one of ordinary skill in the art to provide a "learning mode" which has identification code from the remote control unit to increase flexibility of the system.

Regarding claim 8, Schindler et al. discloses the "learning mode" is included in the operating system of the audiovisual reproduction system (see col. 14, line 56 – col. 46).

Regarding claim 9, Schindler et al. discloses using of the remote control unit that contains an identification code contained in a remote control memory (see col. 14, line 56 – col. 46).



Regarding claim 10, Schindler et al. discloses the step of storing comprises an identification code being recognized in a signal transmitted by the remote control unit (see col. 14, line 56 – col. 46).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Christenson** (US 5,933,090) discloses a remote control system comprises a transmitter for transmitting a first data signal having a command and an identification code. The receiver receives the identification code and determines if the identification code matches the stored identification code.

**Nathan et al.** (US 6,182,126) discloses a home digital audiovisual information recording and playback system.

**Skerlos et al.** (US 4,356,509) discloses a microcomputer-controlled television/telephone system and method therefore.

**Williams, Jr. et al.** (US 6,175,861) discloses apparatus and method for providing computer display data from a computer system to a remote display.

**Schein et al.** (US 6,323,911) discloses remote control comprises a RF transmitter.

**Koza et al.** (US 4,652,998) discloses video gaming system with pool prize structure.

**Harrison et al.** (US 5,748,254) discloses system with remote control in which information can be retrieved from an encoded, laser readable disc.

**Tillery et al.** (US 5,197,094) discloses system for remotely crediting and billing usage of electronic entertainment machine includes means for remotely activating or deactivating an electronic entertainment machine from the central billing location.

**William** (GB 2,193,420) discloses apparatus for distributing entertainment to subscriber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for


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the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
June 27, 2002

  
ANDREW FAILE  
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